

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-5 and 14-19 are pending in this application. Claims 1, 5, 14 and 17 are independent. Claims 1-5, 17, 18, and 19 are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

The Amendments to the claims obviate the objections to the Specification. Specifically, claims 1, 5, 17, 18, and 19, are amended herein, and the amended claim language of the claims obviates the objections. Specifically, the term “module” of claims 1-5 has been redacted. Claims 17-19 are hereby amended to recite a “computer readable medium”.

II. REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-5 and 17-19, which were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter, are amended herein, obviating the rejections.

Specifically, claims 1-5 are directed to an “apparatus” and claims 17-19 are directed to a “computer-readable medium”.

III. REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-5 and 17-19, which were rejected under 35 U.S.C. §112, are amended herein, obviating the rejections. The term “module” has been redacted from claims 1-5. Claims 17-19 recite a “computer-readable medium”. The phrase “when an operation command is given independent of a period of time” is described in the Specification at pages 39-41.

IV. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-5 and 14-19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,039,877 to Merriman, et al.

Applicants note that after speaking with the Examiner, claims 1-5 and 14-19 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,039,599 to Merriman, et al.

Applicants note that U.S. Patent No. 7,039,877 is not prior art, and therefore does not provide a proper basis for rejection. U.S. Patent No. 7,039,877 has a filing date of January 4, 2001, which is after the effective filing date of the present application. Specifically, the present application is entitled to the benefit, under 35 U.S.C. §119, of Japanese application 2000-

231788 filed on July 31, 2000 in Japan and Japanese application 2000-333038 and Japanese application 2000-333039 filed on October 31, 2000 in Japan. Each of which are prior to the filing date of U.S. Patent No. 7,039,877 of January 4, 2001.

Claim 1 recites, *inter alia*:

“...wherein the information for specifying the information picture causes a predetermined operation to be processed as a single unit when an operation command is given independent of a period of time.” (emphasis added)

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 44-49, relate to a describing a feedback loop where a user may or may not take action and from there a fee is calculated and the ad is replaced.

Applicants respectfully submit that such disclosure does not render claim 1 unpatentable. Specifically, Applicants submit that such disclosure does not teach or suggest that the information for specifying the information picture causes a predetermined operation to be processed as a single unit when an operation command is given independent of a period of time, as recited in claim 1.

Furthermore, Applicants submit that Merriman does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Merriman fails to teach or suggest that the information for specifying the information picture causes a predetermined operation to be processed as a single unit when an operation command is given independent of a period of time, as recited in claim 1.

Therefore claim 1 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 1, claim 5 is also patentable.

Claim 14, recites, *inter alia*:

“an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance...” (emphasis added)

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 31-43, relate to feedback. The feedback may include a user's response and the conditions the response was received under. This information is fed into a feedback loop. A predictive model uses the information to direct future ads.

Applicants respectfully submit that such disclosure does not render claim 1 unpatentable. Specifically, Applicants submit that such disclosure **does not** teach or suggest an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance, as recited in claim 1.

Furthermore, Applicants submit that Merriman does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Merriman fails to teach or suggest an updating permission/negation unit for determining permission/negation of updating with respect to information picture caused to undergo management by the registration information in accordance with updating condition set in advance, as recited in claim 1.

Therefore claim 14 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 14, claim 17 is also patentable.

V. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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